U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 17831131

Date: AUG. 17, 2021

Appeal of an Administrative Appeals Office Decision

Form I-129, Petition for L-1A Manager or Executive

The Petitioner, describing itself as a consultancy services company, seeks temporarily employ the Beneficiary as its director of operations under the L-1A nonimmigrant classification for intracompany transferees. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

The Director of the California Service Center denied the petition, concluding the record did not establish that: 1) the Beneficiary would be employed in a managerial or executive capacity in the United States, and 2) the Beneficiary was employed abroad in a managerial or executive capacity. The Petitioner later filed an appeal that we dismissed. We also determined that the Petitioner did not demonstrate that the Beneficiary would be employed in the United States in a managerial or executive capacity, and as this issue was dispositive of the appeal, we declined to discuss and reserved the other basis for denial.[1] The matter is now before us again on appeal.[2]

However, we do not have appellate jurisdiction over our own decisions. The authority to adjudicate appeals is delegated to us by the Secretary of the U.S. Department of Homeland Security (DHS) pursuant to the authority vested in him or her through the Homeland Security Act of 2002, Pub. L. 107-296. *See* DHS Delegation Number 0150.1 (effective March 1, 2003); *see also* 8 C.F.R. § 2.1 (2003). This office exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003), with one exception, i.e., petitions for approval of schools to accept foreign students are now the responsibility of Immigration and Customs Enforcement (ICE). *See* DHS Delegation Number 0150.1(U) supra; 8 C.F.R. § 103.3(a)(iv); and 8 C.F.R. § 214.3.

More specifically, while an affected party may file a motion to seek further review of one of our appellate decisions, there is no provision to appeal anything other than United States Citizenship and Immigration Service (USCIS) service center or field office decisions. *See* 8 C.F.R. § 103.5(a)(6).

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[1] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

[2] In Part 2 of the I-290B, Notice of Appeal or Motion, the Petitioner selected item 1.a. indicating it was "filing an appeal to the AAO" and that its "brief and/or additional evidence is attached." We note that no brief or additional evidence was attached to the appeal, nor was the record supplemented with additional documentation as of the date of this decision.

Accordingly, the current appeal is not properly before us. This matter may only be brought before us again upon the proper filing of a motion to reopen or motion to reconsider pursuant to the regulation at 8 C.F.R. § 103.5. The petitioner clearly marked on the Form I-290B that it intended to file an appeal.

Therefore, as the appeal was not properly filed, it must be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(*1*).

ORDER: The appeal is rejected.